

REMARKS

Claim 14 has been cancelled without prejudice and new Claim 15 has been added.

Claims 2, 9 and 10 have been amended so that they are dependent upon newly added Claim 15 rather than on cancelled Claim 14.

Claim 15 is considered not to be rejectable under 345 U.S.C. 112, first paragraph as containing subject matter not adequately supported by the specification for reasons given by the Examiner. Thus Claim 15, unlike Claim 14, is not considered to contain terminology which the Examiner considers to be new matter, that the scale collector comprises a second mesh material that is different from a first mesh material of the filter.

Additionally, Claim 15 unlike Claim 7, does not contain language which seems to imply that the scale collector comprises a second mesh material in addition to a compacted mesh block, which the Examiner considers to be new matter.

Claims 2 and 6 have been amended to correct the terminology which the Examiner considers to have made these claims, and dependent Claims 2-5, indefinite. It is therefore considered that Claims 2-6 are no longer rejectable under 35 U.S.C. 112, second paragraph as being indefinite for reasons given by the Examiner.

The rejection of Claims 15, 2-4, 6 and 9-11 under 35 U.S.C. 103(e) as anticipated by O'Flynn is considered to lack merit.

O'Flynn is not considered to teach, or even suggest, the filter defined by even Claim 15, the most generic claim.

Unlike the filter defined by Claim 15, the filter of O'Flynn does not have a scale collector which comprises a block of compressed mesh material different from a first mesh material of the filter.

The rejection of Claim 5 under 35 U.S.C. 103(a) as unpatentable over O'Flynn in view of Martindale is considered to lack merit.

O'Flynn is not considered to teach, or even suggest, the filter defined by Claim 5 for reasons given in regard to parent Claim 15. In addition, unlike the filter defined by Claim 5, the scale collector of the filter of O'Flynn is not shown therein to be removable from to be removable from its carrier (frame 43). Martindale, which does not teach, or even suggest, that the filter shown therein comprises a scale collector, clearly does not fill the above-noted gaps in the teaching of O'Flynn.

The allowability of the subject matter of Claim 13 is noted.

An early allowance of the claims and case is requested.

Respectfully submitted,

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CERTIFICATE OF MAILING

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On Jan. 2, 2003

By Elissa DeLucy

APPENDIX OF AMENDED CLAIMS

2. (Four Times Amended) A filter for use in a water heating vessel according to Claim ~~14~~ 15, wherein the scale collector is supported by a carrier member on a the frame of the filter.

6. (Thrice Amended) A filter for use in a water heating vessel according to Claim 3 wherein the carrier member is situated on a part of the frame away from said first mesh material.

9. (Four Times Amended) A filter for use in a water heating vessel according to Claim ~~14~~ 15, wherein the scale collector is carried on the ~~structure~~ frame towards an end thereof which in use in a water heating vessel is closest to the bottom of the vessel.

10. (Four Times Amended) A water heating vessel including a filter ~~structure~~ according to Claim ~~14~~ 15 removably mounted within the vessel and extending over a water outlet of the vessel.